

REMARKS/ARGUMENTS

The present response to the Notice of Non-Compliant Amendment mailed June 15, 2009 substitutes the reply to the Office Action mailed November 3, 2008 that was filed on April 3, 2009.

Claims 1 and 8-16 have been canceled. New Claims 17-25 are active in the case. Reconsideration is respectfully requested.

The present invention relates to an ethylene-vinyl alcohol based copolymer having a good long term run stability in melt molding.

Claim Amendments

Claim 1 has been canceled. Allowable Claim 12 has been canceled in favor of new Claim 17. Original Claims 8-16 have been canceled in favor of new Claims 18-21. Previously active Claims 14 to 16 have been canceled in favor of new Claims 22-24. Claim 16 reappears as new Claim 25.

Claim 21 now includes, *inter alia*, the expression " $G < 1.53 - 0.0239 \times Eu$ " and a description thereof; support can be found in the specification at page 4, lines 6-24. Accordingly, the issue raised by the Office in the Notice of Non-Compliant Amendment mailed June 15, 2009:

new claim 21 is identical with prior claim 11. Since no argument or amendment has been provided in traversal of the prior rejection of claim 11 over Yanai '750, the rejection of this claimed subject matter, now presented as new claim 21, has not been addressed by [the] applicants

is now moot. Furthermore, new claim 21 includes all the limitations of allowable claim 17 with the addition of the following limitation "and wherein the proportion of the vinyl ester units (V) with respect to the total (IV + V) of the vinyl alcohol units (IV) and the vinyl ester units (V) is 0.20 mole % or less." Thus, new claim 21 is allowable for the same reasons that

claim 17 (previous claim 12) is allowable in view of *Yanai* '750.

Claims 22-24 now include, *inter alia*, definitions for the various parameters included therein; support can be found in the specification at page 3, lines 2-6.

Accordingly, the new claims are believed to be in proper condition for allowance.

Early notice to this effect is earnestly solicited.

It is believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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